

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

General Order Authorizing Early Mediation Pilot Project
and Adopting the Pilot Project Procedures

NO. 10-2-12050-x SEA

GENERAL ORDER

I. BASIS

1. Pursuant to LCR 0.16 Pilot projects in King County Superior Court shall operate through published procedures approved the Presiding Judge and the Executive Committee.
2. The King County Bar Association requested that King County Superior Court implement the use of Early Mediation in civil cases in order to resolve cases sooner, using fewer judicial resources and at less expense to parties.
3. The King County Superior Court Executive Committee agreed to implement a pilot project to evaluate whether implementing early mediation has the desired outcomes described above.

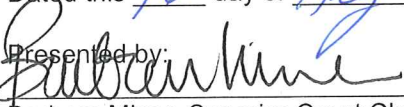
II. ORDER

It is hereby ordered that the Early Mediation Pilot Project is approved for implementation and that

1. The attached Pilot Procedures are approved;
2. The attached case schedule is approved for use during the pilot.
3. The court will conduct an evaluation of the pilot results approximately 18 months after the pilot cases have been identified and the pilot schedules issued. Results of the evaluation will be reviewed by the Court, and then a determination made as to implementing the provisions of the pilot more universally.

Dated this 16 day of Aug, 2010.

Presented by:


Barbara Miner, Superior Court Clerk


Bruce Hilyer, Presiding Judge

PROPOSED PROCEDURES FOR THE EARLY MEDIATION PILOT PROJECT

(a) Early Mediation. All civil cases, except those identified below, are required to submit to Early Mediation.

- 1) Family Law;
- 2) Guardianship and Probate, including matters governed by the Trusts and Estate Dispute Resolution Act ("TEDRA");
- 3) Cases submitted to Mandatory Arbitration under the Local Rules for Mandatory Arbitration;
- 4) Trials de novo pursuant to MAR 7.1;
- 5) Adoption;
- 6) Receivership;
- 7) Juvenile Dependency;
- 8) Condemnation;
- 9) Administrative Law Review;
- 10) Land Use Appeal;
- 11) Appeals from Courts of Limited jurisdiction; and
- 12) Any case not governed by the Civil Case Schedule as provided in LCR 4(b).

Any party may seek to be exempted from mandatory early mediation by motion, upon establishing extraordinary circumstances and no alternative means of preventing a substantial injustice. If the request for exemption is denied, the parties shall file their Mediation Plan within 30 days from the date of such denial.

(b) Early Mediation Plan. Within 120 days from the filing of the Complaint, the parties shall jointly file a Mediation Plan. The Mediation Plan shall contain the following information: (1) an affirmation that the parties have met and conferred regarding mediation; (2) the date upon which the meet and confer occurred; (3) the mediator agreed upon and selected by the parties; (4) the date(s) upon which the mediation shall take place; (5) the identification of any limited discovery that shall take place prior to the mediation; (6) the identification of issues to be addressed at the mediation, including possible procedures to narrow the claims at issue and discovery in the lawsuit; and (7) a description of written submissions, if any, to be made by the parties to the mediator and the date upon which such submissions shall be made.

(c) Date of Mediation. The mediation must be conducted no later than 120 days before the discovery cutoff date specified in the Order setting the case schedule.

(d) Mediation Attendees. The parties shall personally attend the mediation, unless excused in advance by the mediator. Each party may also have present any other persons whom they believe will be helpful to achieve settlement. Parties whose defense is provided by a liability insurance company need not personally attend the mediation, but a representative of the insurer shall attend in person with sufficient authority to bind the insurer to a settlement.

(e) Mediation Reports.

(1) Notice of Settlement. If a settlement is reached at mediation, the parties shall file a Notice of Settlement in accordance with LCR 41(e).

(2) Mediation Confirmation Report. If a complete settlement is not reached, upon completion of the mediation, but no later than ten (10) days after the mediation, the parties shall submit a Mediation Confirmation Report to the court indicating: (A) the date of the mediation; (B) the name of the mediator; (C) the names and titles of all persons present; (D) a statement that the mediation did not result in a complete settlement; and (E) the identification of the settlement of any individual claims or issues. If the parties have determined that further mediation is warranted, the parties shall inform the court of the date and time for the next scheduled mediation and shall identify what, if any, limited discovery shall take place prior to the mediation. Unless stipulated by the parties or ordered by the court, the mediation process shall not suspend discovery.

(f) Sanctions for Failure to File Plan. If a party willfully fails to file an Early Mediation Plan or willfully fails to participate in the mediation, sanctions may be imposed by the court, including dismissal of claims asserted by the party, default judgment, and/or attorney's fees and costs.

CASE EVENT	EVENT DATE
Case Filed and Schedule Issued.	Filed Date
DEADLINE to file Early Mediation Plan [See General Order, pilot procedures]	F + 120
√ Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. \$220 arbitration fee must be paid	F+161
√ DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on Page 2].	F+161
DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)].	F+175
DEADLINE for Completing Early Mediation [See General Order, procedures attached]	T-168
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)].	T-154
DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(b)].	T-112
√ DEADLINE for Jury Demand [See KCLCR 38(b)(2)].	T-98
DEADLINE for a Change in Trial Date [See KCLCR 40(d)(2)].	T-98
DEADLINE for Discovery Cutoff [See KCLCR 37(g)].	T-49
DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLCR 4(j)].	T-21
DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(2)]	T-21
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	T-14
Joint Statement of Evidence [See KCLCR 4 (k)]	T-7
DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	T-7
Trial Date [See KCLCR 40].	T (17.5 mo)